



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name: NOAA Marine Biotoxin Program

County: Clallam

Water Body: Sequim Bay

Type of Authorization: Lease

Authorization Number: 20-082720

Term: 12 years

Description: DNR is considering an application to lease state-owned aquatic lands to install and maintain an oceanographic mooring buoy consisting of scientific instruments that will collect data such as water temperature and salinity relating to algal blooms in Sequim Bay. The term being considered is 12 years.



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Doug Sutherland - Commissioner of Public Lands

**Application for Authorization to use State-Owned Lands
for Easements, Rights of Way and Rights of Entry**

This application is to be used for the following Department of Natural Resources (DNR) uses on state-owned land. Please check the use you are applying for below:

Upland Uses: *(Please complete sections I and II, below when applying for the following uses)*

- ☐ **Temporary Road Use Permit** - Used for hauling valuable materials across DNR managed land (upland use only, timber, crops, rock, etc).
- ☐ **Urban/Rural Easement** - For access to a home site or other non-forestry uses in an urban or rural upland area.
- ☐ **Resource Management Easement** - For crossings in areas where resources are managed (Forest Management, removal of timber, crops, rock, etc.)
- ☐ **Utility Line Easement** - For utility line crossing uplands (Power, water, sewer, telephone, etc.)
- ☐ **Public Highway** - For local government and state agencies crossing state lands (county roads, state highways, city streets)

Aquatic Land Uses: *(Please complete sections I and III, below when applying for the following uses)*

- ☒ **Aquatic Easement** - For crossing state-owned aquatic land (Pacific Ocean, Puget Sound, navigable rivers and lakes, waterways, harbor areas).
- ☒ **Aquatic Right-of-Entry** - For uses on aquatic land, which will be for a term of less than a year.

Note: For projects crossing both aquatic lands and uplands complete all sections.

PLEASE NOTE: No work can be started within the "Project Area" until a use authorization agreement has been granted by the Department of Natural Resources.

DM
See email from Scott Brady, dated 6-2-2008.
This will be an aquatic lease!

App # 20-082720 Co: 5 Trust: 15 Plate: Note 24

I. SUBMISSION OF APPLICATION

This application will be reviewed by the Department of Natural Resources upon receipt at one of the DNR offices shown below. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before execution of a use authorization granted by DNR.

For Aquatic Land applications, please include a \$25.00 non-refundable application-processing fee. **Completion of this application form and notice of acceptance of the application should not be considered approval of your project.** A use authorization agreement allows the applicant to use state-owned land. It is a legal real estate agreement, which will be signed by both parties and in most cases recorded with the appropriate county.

If you have any questions regarding this application, please call the appropriate region office listed below.

DNR REGION OFFICES AND COUNTIES SERVED

Northeast Region (509) 684-7474	225 South Silke Road P.O. Box 190 Colville, WA 99114	Counties - Lincoln*, Spokane, Stevens, Pend Oreille, Ferry Okanogan
Northwest Region (360) 856-3500	919 North Township St. Sedro Woolley, WA 98284	Counties - Whatcom, Island, San Juan, Skagit, Snohomish
Olympic Region (360) 374-6131	411 Tillicum Lane Forks, WA 98331	Counties - Clallam, Jefferson, north half of Grays Harbor
South Puget Sound Region (360) 825-1631	950 Farman Street North Enumclaw, WA 98022	Counties - Pierce, King, Kitsap Mason; parts of Lewis, Thurston* and Snohomish
Southeast Region (509) 925-8510	713 Bowers Road Ellensburg WA 98926	Counties - Adams, Benton, Douglas, Chelan, Franklin, Grant, Kittitas, Yakima, Klickitat, Walla Walla, Columbia, Whitman, Garfield, Asotin, parts of Lincoln*
Pacific Cascade Region (360) 577-2025	601 Bond Road P.O. Box 280 Castle Rock, WA 98611	Counties - Wahkiakum, Cowlitz, Clark, Skamania, Thurston*, Lewis, Pacific, south half of Grays Harbor

* Two regions share jurisdiction in these counties

GENERAL APPLICATION INFORMATION

Date of Application: 4/29/2008 (NOTE: If there is no activity on the part of the applicant for a period of two years from this date, this application will expire.)

Easement to be Issued To (how name will appear on Easement):

Dr. Vera L. Trainer

Address including City, State and Zip Code:

NOAA/NMFS/NWFSC/ECD-Marine Biotoxin Program

2725 Montlake Blvd. E.

Seattle, WA 98112

Tel. Number: (206) 860-6788 Fax Number: (206) 860-3335 E-Mail Vera.L.Trainer@noaa.gov

Applicant's Representative: Nicolaus G. Adams

Relationship to Applicant: Employee

Address including City, State and Zip Code:

NOAA/NMFS/NWFSC/ECD-Marine Biotoxin Program

2725 Montlake Blvd. E.

Seattle, WA 98112

Tel. Number: (206) 860-6787 Fax Number: (206) 860-3335 E-Mail Nicolaus.Adams@noaa.gov

If the easement or permit will be issued to a business, the Applicants' Washington Department of Revenue Tax Registration Number (Unified Business Identifier) is **REQUIRED**:

UBI Number No UBI (Federal Agency), Federal Tax ID#: 91-1952281, Tax Exempt#: 52-0821608

Which of the following applies to Applicant (Check One)

Corporation: (State of Registration):	Governmental Agency: NOAA-Fisheries
General Partnership:	Limited Partnership: (State of Registration):
Sole Proprietorship:	Marital Community: (Spouse):

Other: Please explain: _____

Do you have an existing easement from the State on this site?

☐ Yes (if yes, Agreement No. _____) ☒ No ☐ Don't Know

USE OF STATE PROPERTY

Describe the proposed use of the property: Installation of an oceanographic mooring consisting of instruments that will collect environmental data (e.g. temperature and salinity) that will be related to the initiation of harmful algal blooms in Sequim Bay. The mooring will be in place year round for 15 years and serviced 1-2x per year.

If the project is for utilities: (telephone, fiber optic, sewer lines, outfall, power, water, natural gas, etc.), **describe the facility,** e.g., six inch doubled walled pipe, or six fiber optic conduits, 500 KV Transmission Line, etc.

The mooring will consist of a surface buoy and anchor connected by a combination of 1/2" plastic-jacketed steel cable and polypropylene line.

Will the utility be buried, underwater, overhead, hang on a bridge? The array will be underwater with only the buoy visible at the surface.

Who will the utility ultimately serve? The data obtained from the mooring will serve NOAA and its partners (including the public) in understanding the environmental factors that contribute to the formation of harmful algal blooms.

Length of time requested for the easement or permit? 15 years

Length of the proposed R/W in feet or miles: Circle 50m in diameter

Width of the proposed R/W in feet: Circle 50m in diameter

Proposed construction Starting Date (if applicable): N/A Completion Date: N/A

If this is a Road Use Permit: Estimate of volume of timber, rock or agricultural products to be hauled.

Mbf N/A Cu. Yds. N/A Tons N/A

II. UPLAND EASEMENTS

For all new construction, consultation with a DNR field representative is required prior to submitting an application. In addition, a site visit may also be required prior to submitting an application.

Note: A plat or map will be required to accompany the application. Contact the Region representative for the appropriate plat specifications. *NOTE: If you have any questions concerning upland surveys, please call Department of Natural Resources, State Land Survey Unit at (360) 902-1182.*

For non-exempt projects, applicant must complete a SEPA checklist and include any additional information required by SEPA before DNR will offer an agreement.

State Environmental Policy Act (SEPA) Checklist and Environmental Review - When you submit a permit application to any agency, you will be asked to fill out an environmental checklist (unless your project is categorically exempt per WAC 197-11-800 through 890). Based on checklist answers and the reviewers knowledge of the project site, the "lead agency's" SEPA responsible official will determine the types of impacts the project may have on the environment. ("lead agency" is defined in WAC 197-11-050).

The lead agency will make a determination as to the environmental impact of this proposal and will issue one of the following:

- Determination of Nonsignificance (DNS)
- Mitigated Determination of Non-significance (MDNS), which will require mitigation measures to reduce the environmental impact.
- Determination of Significance (DS), which will trigger a requirement to produce an environmental impact statement (EIS)
- The lead agency's determination of non-significance will not automatically cause DNR's approval of this proposal for right of way on the lands it manages.

Copies of all government regulator permits are required before issuance of a DNR agreement. Your project may require the following permits, or other permits. These must be in place before work can be started.

Forest Practice Application (FPA): Required for activities conducted on forest lands related to growing, harvesting or processing timber and are regulated by the Forest Practices Act. Activities include road construction and maintenance, thinning and salvage of trees, harvesting, reforestation, brush control, and using fertilizers or pesticides.

Hydraulic Project Approval (HPA) - Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.

UPLAND LOCATION INFORMATION

County(ies) in which the state property is located _____

1) Legal description of new construction (road, utility)

Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	

and will be _____ feet wide, _____ miles/feet long and consists of _____ acres of land.

2) Legal description of existing road or utility corridor

Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	

and will be _____ feet wide, _____ miles/feet long and consists of _____ acres of land.

- 3) For appurtenant easements, the legal description of the benefiting property. (the property the easement accesses).

For Road Use Permits: The legal description and number of acres from which valuable materials will be removed. _____ Acres

Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	

Tax Parcel Numbers, tract numbers, lot names and physical address numbers, if applicable: _____

APPLICATION VERIFICATION AND AUTHORIZATION

All answers and statements are true and correct to the best of my knowledge.

Applicant _____

(Please Print)

Signed _____ Date: _____

(Applicant or Authorized Signature)

Title _____

Company _____

III. AQUATIC EASEMENTS

LOCAL, STATE, AND FEDERAL REGULATORY PERMITS (AQUATIC EASEMENTS ONLY)

COPIES OF ALL GOVERNMENT REGULATORY PERMITS ARE REQUIRED BEFORE ISSUANCE OF AN EASEMENT BY DNR. YOUR PROJECT MAY REQUIRE SOME OR ALL OF THESE PERMITS (WAC 332.30.122 (1)(c)).

PLEASE INCLUDE THE FOLLOWING PERMIT APPLICATIONS, PERMITS, LETTERS OF CONCURRENCE OR WAIVERS WITH THE APPLICATION:

Joint Aquatic Resources Permit Application (JARPA): This one form is used to apply for all of the following permits:

Section 10 Permit - Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.

Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption - Issued by Local Government, and is required for work or activity in the 100-year flood plain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filing, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.

Hydraulic Project Approval - Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.

Section 404 Permit - Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.

Section 401 Water Quality Certification - Required by the Department of Ecology if a Section 404 permit is required.

National Pollutant Discharge Elimination System Permit (NPDES) - Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

State Environmental Policy Act (SEPA) Checklist and Environmental Review - When you submit a permit application to any agency, you will be asked to fill out an environmental checklist (unless your project is categorically exempt per WAC 197-11-800 through 890). Based on checklist answers and the reviewers knowledge of the project site, the "lead agency's" SEPA responsible official will determine the types of impacts the project may have on the environment. ("lead agency" is defined in WAC 197-11-050).

The lead agency will make a determination as to the environmental impact of this proposal and will issue one of the following:

- Determination of Non-significance (DNS)
- Mitigated Determination of Non-significance (MDNS), which will require mitigation measures to reduce the environmental impact.
- Determination of Significance (DS), which will trigger a requirement to produce an environmental impact statement (EIS)

The lead agency's determination of non-significance will not automatically cause DNR's approval of this proposal for right of way on the lands it manages.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify in detail where such mitigation is proposed to occur: _____

General information

If the project is a bridge, what is the anticipated life span of the bridge? N/A
Project is NOT a bridge _____

Will utilities be a part of the bridge? ☐ Yes ☐ No

If utilities are a part of the bridge, please list which utilities (include company name and address if known): N/A

Will the easement, or any portion thereof, be assigned to another party? ☐ Yes ☒ No
(If yes, submit a copy of the conveyance agreement.)

What are the current and past uses of the site? Navigable waters of Sequim Bay

Do you have any knowledge of contamination, or knowledge of any practices that might have led to contamination of the site by toxic or hazardous substances?

☐ Yes ☒ No If so, please explain: _____

IMPROVEMENTS

Physical Improvements are structures placed on the land that cannot be removed without damage to the land. Examples of such structures include pilings, dolphins, piers, wharves, piling-supported buildings, structures built on fill or concrete foundations, buried pipelines and cables,

and support structures for bridges. New construction will require submission of survey.

What physical improvements currently exist on the site? (Photos may be required.) N/A

The mooring will be placed in subtidal waters of Sequim Bay

If there are physical improvements currently on the site, who holds ownership to them? N/A

If there are physical improvements currently on the site, describe their condition: N/A

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? N/A

Describe any physical improvements that the applicant is proposing to construct on the site: _____

None

Has any fill material been placed on the site? If Yes, please describe: N/A

AQUATIC LOCATION AND LEGAL DESCRIPTION

Except for property located within established harbor areas, proof of ownership, or authorization to use the adjacent tidelands or upland property may be required. If the applicant is the owner of the adjacent land, attach a copy of the deed or contract of sale.

The authorization to use Aquatic Lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show detail of the pro-ration of coves and irregular shorelines.

The Body of Water on which the State property is located: Sequim Bay

County(ies) in which the State property is located: Clallam

Government Lot,	<u>1</u>	Section,	<u>2</u>	Township,	<u>29</u>	Range,	<u>3</u>	East/West	<u>W</u>
Government Lot,		Section,		Township,		Range,		East/West	
Government Lot,		Section,		Township,		Range,		East/West	

Government Lot,		Section,		Township,		Range,		East/West	
Government Lot,		Section,		Township,		Range,		East/West	
Government Lot,		Section,		Township,		Range,		East/West	

PROPERTY SURVEY

A survey of the easement area, meeting the requirements of the Survey Recording Act (Title 58 RCW) and other information about the property is required for each application in order to obtain an easement. A copy of the proposed survey must be submitted directly to the land manager who will pass it on to the department's State Land Survey Unit for preliminary review prior to submission of the final survey (**Engineering drawings are not acceptable**) The final survey shall be filed with the county auditor and a copy that includes the auditor's recording information shall be submitted to the department's land manager. The final recorded copy should include the Department's easement number, which will be given at the time of application acceptance. The survey plat will be attached to the easement as Exhibit A. **Note:** The survey can be completed after you have been notified in writing that the application has been accepted. However, the easement agreement cannot be complete until a survey is approved by the Department.

NOTE: If you have any questions concerning aquatic surveys, please call Department of Natural Resources, State Land Survey Unit at (360) 902-1112.

Physical description of Project Area (For example, Marsh, Tidelat adjacent to the Chehalis River, etc.): Subtidal waters of Sequim Bay. (48° 2.720' N, 123° 1.227' W)

48.0453° N - 123.0204° W

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:

Name: N/A

Address: _____

City, State, Zip: _____

Phone Number: () _____

County Parcel No(s). for adjacent properties, upland, and /or adjacent tideland properties. N/A

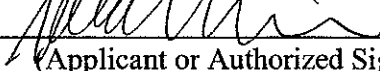
NOTE: You may attach copies of county assessors information relating to parcel numbers. Please verify that the section, township and range is identified in the assessors information.

APPLICATION VERIFICATION AND AUTHORIZATION

All answers and statements are true and correct to the best of my knowledge.

Applicant Vera L. Trainer

(Please Print)

Signed 
(Applicant or Authorized Signature)

Date:

5/1/08

Title Supervisory Research Oceanographer

Company NOAA-Fisheries

Lease 20-082720
Clallam County, Sequim Bay

TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape
100m SE of Sequim, Washington, United States 01 Jul 1978

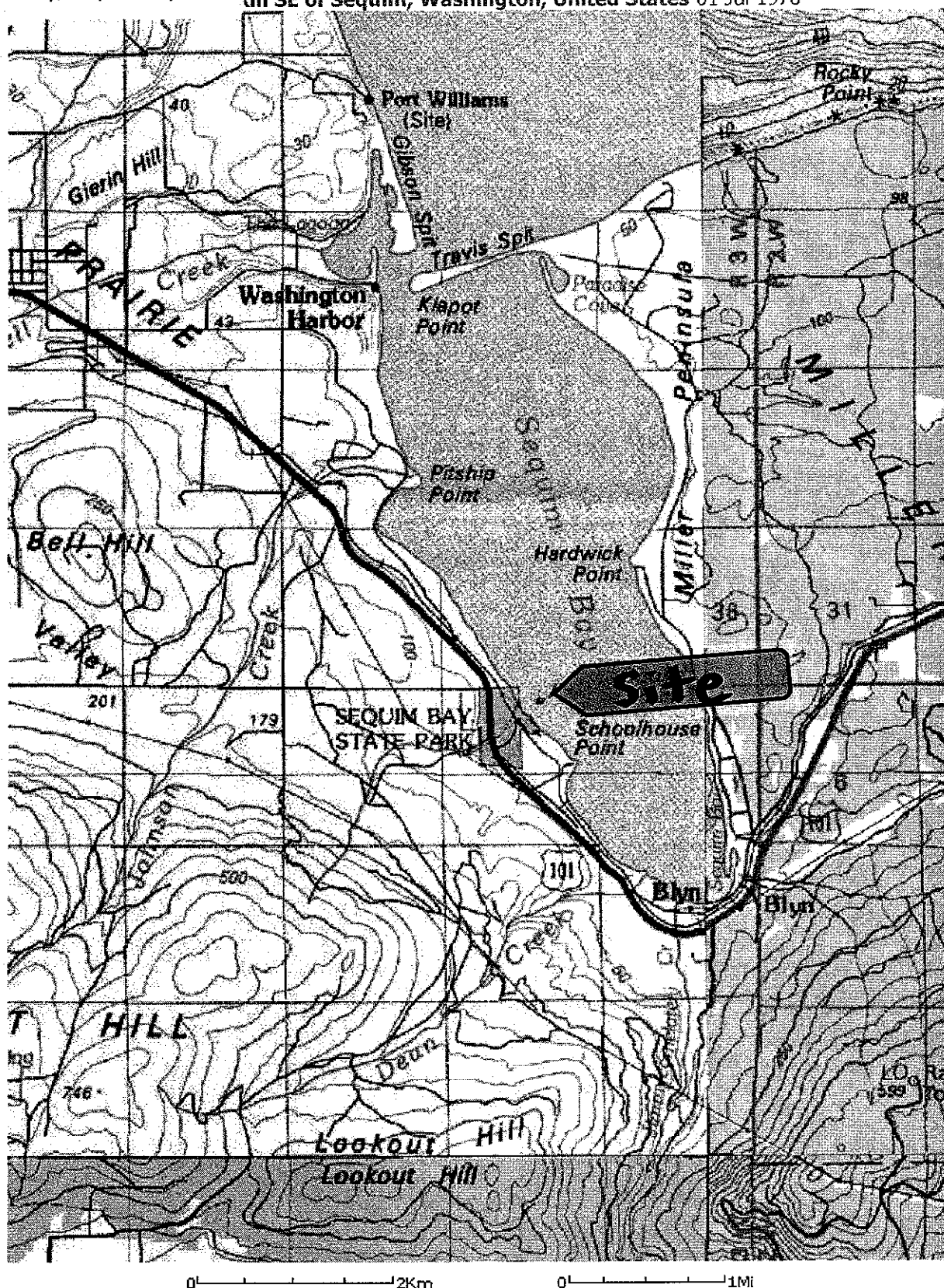


Image courtesy of the U.S. Geological Survey

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